

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EL-AMIN MUHAMMAD #242898,

Plaintiff,

Case No. 1:16-cv-276

v.

HON. JANET T. NEFF

MAGISTRATE RAY KENT

KYLE A. NEHER, d/b/a DET KYLE
A. NEHER, MICHAEL KASHER d/b/a
DET. MICHAEL D. KASHER, OFFICER
JOHN DOE alternate transport officer (NSPD),
(MSP) OFFICER JOHN DOE, DARRYL HAIRSTON
d/b/a (MCJ) DEPUTY DARRYL HAIRSTON,
ELAINE (DOE) d/b/a RN NURSE ELAINE (DOE)
last name unknown (MCJ),

Defendants.

**DEFENDANTS' MICHAEL D. KASHER'S AND KYLE A. NEHER'S RESPONSE IN
OPPOSITION TO PLAINTIFF'S MOTION REQUESTING COURT TO APPOINT EXPERT
IN ACCIDENT RECONSTRUCTION BY PLAINTIFF'S NOMINATION
PURSUANT TO F.R.E. 706 [ECF NO. 148] AND MOTION FOR ORDER FOR A PHYSICAL
EXAMINATION BY A QUALIFIED M.D. DOCTOR WHO SPECIALIZES
IN MAGNETIC RESONANCE IMAGING (MRI) AND COMPUTED TOMOGRAPHY (CT)
SCANS AND PURSUANT TO F.R.C.P. RULE 35(a)(1), (2)(A)(B)... [ECF NO. 149]**

Defendants Kyle A. Neher ("Neher") and Michael D. Kasher ("Kasher"), by and through their attorneys, Plunkett Cooney, for their Response in Opposition to Plaintiff's Motion Requesting Court to Appoint Expert in Accident Reconstruction by Plaintiff's Nomination Pursuant to F.R.E. 706 [ECF NO. 148] and Motion for Order for a Physical Examination by a Qualified M.D. Doctor who Specializes in Magnetic Resonance Imaging (MRI) and Computed Tomography (CT) Scans and Pursuant to F.R.C.P. Rule 35(a)(1), (2)(A)(B) ... [ECF NO. 149], states as follows:

Pursuant to this Court's Order dated April 18, 2018 [ECF No. 139], no response is required, as this Court stayed all proceedings in this matter pending further order of this Court.

Accordingly, in the event this Court finds it appropriate to reinstate this matter, Defendants Kyle A. Neher and Michael D. Kasher respectfully request that this Court allow them 30 days from the date of the entry of the order reinstating this matter to reply to the following motions and discovery requests served upon Defendants Kyle A. Neher and Michael D. Kasher:

- a) Motion Applying for Injunctive Relief Against the "Person" as to Official Capacity as to Detective Kyle A. Neher and Detective Michael D. Kasher under Color of State Law for Deprivation of Plaintiff 8th Amendment Protected Constitutional Federal Right Pursuant to F.R.C.P. Rule 65(a) and Norton Shores Police Department [ECF No. 134], as amended by the Amended Motion Applying for Injunctive Relief Against the "Person" as to Official Capacity as to Detective Kyle A. Neher and Detective Michael D. Kasher under Color of State Law for Deprivation of Plaintiff 8th Amendment Protected Constitutional Federal Right Pursuant to F.R.C.P. Rule 65(a) and Norton Shores Police Department [ECF No. 142];
- b) Amended Discovery Request for Production of Documents to Neher & Kasher pursuant to FRCP Rule 34(a) and FRE Rule 401 and 402;
- c) Plaintiff's Interrogatories to both Defendants Michael D. Kasher and Kyle A. Neher Pursuant to FRCP Rule 33(a)(1), (2), (b)(1)(2)(3)(4)(5) and (c), (d);
- d) Plaintiff's request for Admissions for Defendants Michael D. Kasher and Kyle A. Neher individually and pursuant to FRCP Rule 36;
- e) Plaintiff's Motion Requesting Court to Appoint Expert in Accident Reconstruction by Plaintiff's Nomination Pursuant to FRE 706 [ECF No. 148];
- f) Plaintiff's Motion for Order for a Physical examination by a Qualified M.D. Doctor who Specializes in Magnetic Resonance Imaging (MRI) and Computed Tomography (CT) Scans and Pursuant to FRCP 35(a)(1)(2)(A)(B) [ECF No. 149]; and
- g) Plaintiff's Discovery Request to Enter onto Land for Inspection and other purposes pursuant to FRCP 34.

Respectfully submitted,

DATED: May 8, 2018

PLUNKETT COONEY

BY: /s/ Lisa A. Hall

Lisa A. Hall (P70200)

Attorney for Defendant Kyle A. Neher and
Michael D. Kasher

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